

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Matthew J.S. Graham, Reg. No. 54,647; on March 5, 2010.

2. The application has been amended as follows:

In claim 1, line 11, after "stapler," insert --instrument--.

In claim 11, line 1, delete "9," and in its place, insert --1--.

In claim 30, line 1, delete "12," and in its place, insert --23--.

3. The following changes to the drawings have been approved by the examiner and agreed upon by applicant: Formal drawings will be filed to replace the drawings as filed on September 24, 2004. In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

The following is an examiner's statement of reasons for allowance: None of the prior art of record, alone or in combination, discloses a combination medical device or kit including, inter alia, a circular stapler instrument or stapler including staple cartridge and anvil components and a buttress adapted to be positioned upon the staple cartridge and/or anvil components, to provide a first region of buttress material to buttress a seam between tissue sections, and to permit the removal of one or more portions of a second

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region upon activation of a stapler knife, where the first and second regions are concentric and are formed of dissimilar materials. Also, none of the prior art of record, alone or in combination, discloses a circular stapler buttress including, inter alia, adapted to be positioned upon at least one stapler component, to provide a first region of buttress material as a buttress seal between joined tissue sections, and to permit the removal of one or more portions of a second region upon activation of a stapler knife, where the first and second regions are concentric and are formed of dissimilar materials and the second region comprises a frustoconical shape.

The double patenting rejection in the Office action of June 1, 2009 is hereby withdrawn.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julian W. Woo whose telephone number is 571-272-4707. The examiner can normally be reached on M-TH:6:30-4:00; alt. Fri.: 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tan-Uyen (Jackie) Ho can be reached on 571-272-4696. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Julian W. Woo/
Primary Examiner, Art Unit 3773